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STITES & HARBISON PLLC
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In re Application of
Yoshiaki YAMANOI
Application No.: 10/521,554
PCT No.: PCT/JP04/10158
Int. Filing Date: 09 July 2004
Priority Date: 09 July 2003
Attorney's Docket No.: PO8546US00/RFH
For: METHOD FOR SETTING IMAGE FOR
STANDARD OPERATING SPEED, AND

COMMUNICATION

This is a communication regarding applicant's papers filed on 19 January 2005 in the United States Patent and Trademark Office.

DISCUSSION

On 09 July 2004, applicant filed international application PCT/JP04/10158, which claimed priority of an earlier national application filed 09 July 2003. Accordingly, the thirty-month period for paying the basic national fee in the United States will expire at midnight on 09 December 2005.

On 19 January 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1). This transmittal letter directed all correspondence to be sent to Customer No. 00881 which is the customer number for Stites & Harbison PLLC in Alexandria, Virginia.

On 05 July 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 In the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905). This form required the filing of a translation of the international application, the requisite processing fee for such a translation if the translation were presented after 30 months from the priority date and an oath or declaration of the inventors. This form was mailed, in error, to a law firm in Connecticut.


The form 905 mailed on 05 July 2005 was mailed in error because it was mailed to an incorrect correspondence address. In addition the applicants did not make an express request to begin national examination procedures under 35 U.S.C. 371(f) and did not submit all of the elements required under 35 U.S.C. 371(f). Consequently, no national stage processing should have occurred prior to the above-noted 30 month deadline.

CONCLUSION

For the reasons discussed above, the Notification of Missing Requirements mailed on 5 July 2005 is hereby VACATED.

It is noted that a Notification of Missing Requirements should be mailed to applicant sometime after 09 December 2005. This notice will require a translation of the international application, any applicable processing fee, an oath or declaration of the inventors, and any applicable surcharge. The time limit for providing these items will be two months from the mailing date of the Notification of Missing Requirements or 32 months from the priority date, whichever is later.

The application is being returned to the DO/EO/US for further processing at the appropriate time.



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